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WENDEROTH, LIND & PONACK, L.L.P.			JARRETT, RYAN A		
2033 K STREET N. W. SUITE 800		ART UNIT	PAPER NUMBER		
WASHINGTON	WASHINGTON, DC 20006-1021			2125	

DATE MAILED: 09/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



Application No. Applicant(s) U7/80,507 TOCHIGI ET AL.				[, Y
Examiner Ryan A. Jarrett 2125		Application No.	Applicant(s)	(Ja)
Ryan A. Jarrett 2125		10/760,507	TOCHIGI ET AL.	
The MALING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ③ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Elements of time may be available used the providence of 37 CFR 1.736(s). In no event, however, may a reply be timely filled by the period for reply specified store is beau binut litery (30) days, a reply within the standary printing may be used. (S) MONTHS from the realing date of this communication is provided by the period for reply specified store is beau binut litery (30) days, a reply within the standary printing and an expension of the period for reply specified store is the specified for the period for reply specified store is the specified for the period for reply specified store is the specified for the period for reply specified store is the specified store is the specified for the period for reply specified store is the specified for the period for reply specified store is the specified for the period for reply specified store is the specified for the period for reply specified store is the specified for the period for reply specified store is finally specified to the communication (s) fill of a 21 January 2004. Status 1) ② Responsive to communication (s) filled on 21 January 2004. 2a) ① This action is FINAL. 2b) ② This action is finally. 2c) ② This action is a specified action. 2c) ② This action is a specified action. 2c) ② This action is a specified action. 2c) ② This action i	Office Action Summary	Examiner	Art Unit	
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THE MALLING DATE OF THIS COMMUNICATION. Extension from may be available under the provisions of 3° CFR 1.136(a). In or event, however, may a reply be timely filled after SIX (9) MOSPITIS from the malting date of this communication. **Jill Communication (1) MOSPITIS from the malting date of this communication. **Jill Communication (1) MOSPITIS from the malting date of this communication. **Jill Communication (1) MOSPITIS from the malting date of this communication. **Jill Communication (1) MOSPITIS from the malting date of this communication. **Jill Communication (1) MOSPITIS from the malting date of this communication. **Jill Communication (1) MOSPITIS from the malting date of this communication. **Jill Communication (1) MOSPITIS from the malting date of this communication, even if timely filled, may reduce any version principle from the malting date of this communication. **Jill Communication (1) MOSPITIS from the malting date of this communication, even if timely filled, may reduce any version principle from the malting date of this communication, even if timely filled, may reduce any version principle from the malting date of this communication, even if timely filled, may reduce any version principle from the malting date of this communication, even if timely filled, may reduce any version principle from the malting date of this communication. **Jill Communication from the malting date of this communication, even if timely filled, may reduce any version principle from the malting date of this communication, even if timely filled, may reduce any version and the malting date of this communication, even if timely filled, may reduce any version principle and the malting date of this communication, even if timely filled, may reduce any version and timely filled from the malting date of this communication. **Jill Color of Claims** *Jill Color of Claims** *Jill Color of Text 1.121(d). *Jill Color of Text 1.121(d). *Jill Color of Text 2.121(d). *Jill Color of Text 2.121(d). *Jill Color of Text 2.121		appears on the cover sheet w	vith the correspondence address	
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DETAILED ACTION

Claim Rejections - 35 USC § 112

- 1. The following is a quotation of the second paragraph of 35 U.S.C. 112:
 - The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 2. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, it is not clear what is meant by the limitation "so that the moving length amount per predetermined time of the material becomes a set value that is set in advance". Furthermore, this appears to be an intended result/intended use limitation, and therefore it would not appear to carry patentable weight, or to further limit the aforementioned control device. It is understood that the control device feedback-controls the tension-applying device based on a measurement result of the measuring means, but it is not clear how the limitation in question further limits this control device.

However, as best understood, Nordgren teaches this feature (see below). In Nordgren, an operator enters a length set-point value into a computer a web tension feedback controlling controls the web tension based on an error between the set-point and an actual length measurement.

Claims 2-8 depend from claim 1 and incorporate the same deficiencies.

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Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 5, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Nordgren U.S. Patent No. 5,813,587. Nordgren discloses a feedback controlled tension applying system, comprising: a material processing device that processes a material in continuous sheet form while applying a tension to the material (e.g., col. 2 lines 53-55); a tension applying device that applies the tension to the material (e.g., col. 3 lines 63-64); a measuring means for measuring a moving length amount per predetermined time of the material (e.g., col. 2 line 60 – col. 3 line 19); and a control device that feedback-controls said tension applying device (e.g., col. 3 line 65 – col. 4 line 10) based on a measurement result of said measuring means so that the moving length amount per predetermined time of the material becomes a set value that is set in advance (e.g., col. 3 lines 29-39, col. 4 lines 17-28);

wherein said measuring means comprises: a measuring roll that rotates in contact with the material; and an encoder that detects an amount regarding a rotation angle of said measuring roll, and wherein said measuring means measures the moving length amount per predetermined time of the material based on the amount regarding the rotation angle of said measuring roll detected by said encoder (e.g., col. 2 line 60 – col. 3 line 19);

wherein said material processing device performs processing in a longitudinal direction of the material (e.g., claims 1-2).

Allowable Subject Matter

5. Claims 3, 4, 7, and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art obtained by the examiner fails to teach or fairly suggest a balance weight that moves on an arm in two directions along the arm by control of a control device, in combination with the remaining features and elements of the claimed invention.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan A. Jarrett whose telephone number is (703) 308-4739. The examiner can normally be reached on 10:00-6:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on (703) 308-0538. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

L-P.P.

Ryan A. Jarrett Examiner Art Unit 2125

9/18/04

LEO PICARD SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 2100